

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL BERGAMASCHI; and :  
FREDERICK ROBERSON; on behalf of :  
themselves and all others similarly situated, :  
:  
*Plaintiffs,* : Case No. 1:20-cv-02817  
:  
v. :  
:  
ANDREW M. CUOMO, Governor of New York :  
State, in his official capacity; and TINA M. :  
STANFORD, Chairperson of the New York State :  
Board of Parole, in her official capacity; :  
:  
*Defendants.* :  
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**MOTION FOR A PRELIMINARY INJUNCTION**

**PLEASE TAKE NOTICE** that, upon the accompanying memorandum of law and declarations, exhibits in support, and complaint in this action, the plaintiffs, through counsel, will move this Court, at a return date to be determined as soon as is practicable for an order pursuant to Rule 65(a) of the Federal Rules of Civil Procedure for a preliminary injunction enjoining the defendants' mandatory detention scheme and requiring defendants to provide an immediate assessment whether individuals may be released pending their final revocation hearing.

Plaintiffs respectfully request that this Court order the defendants to provide plaintiffs with the following process: (1) an immediate evaluation for those currently in jail, and a prompt hearing for future arrestees, where the people detained on a parole warrant have an opportunity to be heard on their suitability for release and to rebut the Board's justifications for detention; (2) notice of when the Board will conduct this hearing and the reasons supporting the Board's request for detention; (3) a neutral decisionmaker, which can be anyone from the Board who is not involved in the decision to arrest and detain the parolee; and (4) if detention is required, an explanation as

to why and the evidence relied on, either on the record or in writing; and for such other and further relief as the Court deems proper.

Dated: April 6, 2020  
New York, N.Y.

Respectfully submitted,

s/ Philip Desgranges

Philip Desgranges  
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\*Application for admission to the New York bar pending